

JAMES IRRIGATION DISTRICT

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November 22, 2010

TRANSMITTED BY FACSIMILE TO (916) 978-5290
ORIGINAL WILL NOT BE MAILED

EMAIL TO : TRust@usbr.gov

Timothy G. Rust
M&I WSP Program Manager
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

SUBJECT: OCTOBER 21, 2010 DRAFT MUNICIPAL & INDUSTRIAL WATER SHORTAGE POLICY

Dear Mr. Rust:

James Irrigation District is concerned about the impacts of the above-referenced draft policy to CVP Irrigation Contractors similar to the comment expressed by Del Puerto Water District (letter attached).

Please contact me if you have any questions regarding this matter.

Sincerely,



John Mallyon
GENERAL MANAGER
jmallyon@hughes.net

JM:dh

Enclosure

cc: Ernest Conant, Esq.

November 22, 2010

Timothy G. Rust
M&I WSP Program Manager
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Via FAX: (916) 978-5290
Email: TRust@usbr.gov

Re: October 21, 2010 Draft Municipal and Industrial Water Shortage Policy

Dear Mr. Rust:

The following comments on the above referenced draft policy are provided on behalf of the Del Puerto Water District ("District").

We understand from your statements at the October 28, 2010 workshop that Reclamation will prepare a separate new document under the National Environmental Policy Act (NEPA) that will analyze and evaluate the effects of this proposed policy on irrigation contractors. We look forward to this analysis and reserve our right to comment on this new document.

We have already commented on prior drafts of this policy, both verbally and in writing, and have attached our comment letters of November 30, 2000, January 9, 2001 and November 26, 2001 for your consideration in this current regard. We have also attached our letter dated April 22, 2009 that provided our comments on a prior proposed Draft EA/FONSI for your consideration.

This proposed policy is similar to prior draft policies, making only minor modifications, and would have substantially the same negative impacts on irrigation contractors as noted in this prior correspondence. As pointed out therein, this proposed policy cannot be justified and enforced in light of Section 9(c) of the 1939 Act. Furthermore, we see nothing in this latest draft that addresses either how this proposed policy can be pursued in light of the applicable law for Reclamation providing municipal water supplies, nor how Reclamation will mitigate the obvious impacts this proposed policy would have on irrigation contractors.

Accordingly, we encourage you to reconsider this draft policy and develop a new policy that does not interfere with the irrigation purpose of the Project, as described in the attached correspondence. Additionally, we hope and trust that the further evaluation of this proposed

policy under NEPA will evaluate, among other things, the true effects of this proposed policy on CVP agricultural contractors located south of the Delta such as the District, particularly in light of the current regulatory constraints on the movement CVP water supplies through the Delta.

Thank you for the opportunity to comment on this proposed policy. If you have any questions regarding our position, please contact me.

Sincerely,

William D. Harrison, General Manager
DEL PUERTO WATER DISTRICT

Cc: Board of Directors
Ernest Conant, Esq.
CVPWA
SLDMWA